

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Stephanie Griffiths,

Plaintiff,

vs.

Wellington Capital Partners LLC, et
al.,

Defendant.

No. CV-22-08232-PCT-SPL

ORDER

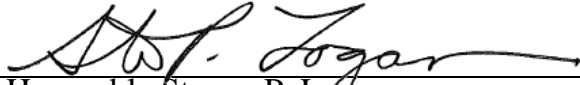
Having reviewed the Notice of Voluntary Dismissal (Doc. 8),¹

IT IS ORDERED that this matter is dismissed **with prejudice** pursuant to Federal Rule of Civil Procedure 41.

IT IS FURTHER ORDERED that the Motion to Dismiss (Doc. 9) is **dismissed as moot**.

IT IS FURTHER ORDERED that the Clerk of Court shall **terminate** this action.

Dated this 17th day of January, 2023.


Honorable Steven P. Logan
United States District Judge

¹ Defendant Jeffrey Lovallo filed a motion to dismiss on January 13, 2023 (Doc. 9). Federal Rule of Civil Procedure 41(a)(1)(A)(i) provides that a plaintiff can dismiss an action by “filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Thus, “[a] plaintiff’s right of voluntary dismissal under Rule 41(a)(1) is not terminated by the filing of a Rule 12 motion to dismiss by the defendant.” *Esquivel v. Arau*, 913 F. Supp. 1382, 1386 (C.D. Cal. Jan. 26, 1996).